

*REMARKS/ARGUMENTS*

In response to the Office Action mailed September 23, 2005, Applicants submit the following commentary and information. Yet another Information Disclosure Statement is supplied accompanied by various publications that are clearly already available to the Examiner from the comments included in the Office Action.

By way of review, this patent application includes at page 4 a reference to what was previously known in the prior art.

“An example is set forth in Li, Y. Advanced Computing Technology for Integrated Design of Textiles and Apparel, Ergonomics of the Protective Clothing, Proceedings of NOKOBETEF 6 and 1<sup>st</sup> European Conference on Protective Clothing; Stockholm, Sweden; May 7-10, 2000, which is herein incorporated by reference in its entirety.”

The present patent application identifies three co-inventors, including Yi Li, the person referred to in the foregoing passage. According to the Office Action, the Examiner has declared that the document referred to above is not a publication and has refused to consider the document which was submitted in Information Disclosure Statement in accordance with a prior demand for a copy of the cited document. The Examiner has asserted, based upon “a review of the conference Proceedings, *obtained by the office, ...that there is no such paper in the Proceedings.*” In addition, the Examiner asserts that there are three different papers in the cited Proceedings by at least one of the co-inventors of the present patent application that the Examiner believes are highly relevant to the claimed invention, but which have not been supplied to the Office. Of course, while the Examiner cites 35 USC 1.56, Applicants are unaware of any practice that prohibits an Examiner from citing a relevant prior art publication by an inventor, even if not supplied by the inventor, but discovered by the Examiner.

The following comments and the attached Information Disclosure Statement supply information provided by Dr. Li, the lead inventor of the present patent application and the person identified as the sole author of the document referred to in the patent application.

The undersigned, following the implicit suggestion of the Examiner, searched the Internet to find the Proceedings of the conference referred to in the excerpt from page 4 of the patent application. The conference Proceedings were obtained with moderate difficulty and searching. Although the Examiner has access to the Proceedings through the Internet, as a courtesy, and at a cost to the Applicants, the attached Information Disclosure Statement includes the frontispiece of the conference Proceedings, the Table of Contents of the published Proceedings, and three papers from the published Proceedings that include Dr. Li as a co-author. If other articles in the published conference Proceedings seem pertinent to the Examiner, it is apparent that he has access through the Internet to those other papers.

It is apparent by comparing the document previously submitted indicating sole authorship by Dr. Li and with the title "Advanced Computing Technology for Integrated Design of Textiles and Apparel" to the document appearing in the published Proceedings identifying Dr. Li as one of four authors and entitled "Integrated CAD for Functional Textiles and Apparel", that the documents are substantially similar in content. Dr. Li explains the difference in title, authorship, and content between these two documents, based solely on recollection, that there was no intention originally to publish the Proceedings of the conference. It was, after all, the first such European conference, although others have followed.

According to Dr. Li, the paper she provided to her patent attorney in Hong Kong in connection with the preparation of the present patent application, and which is referred to on page 4 of the patent application and which was previously submitted to the Examiner, is the draft of a paper sent to the conference and presented at the conference. At a later time, after conclusion of the conference, the conference organizers decided to publish a conference Proceedings and asked the presenters at the conference to revise and submit the initially submitted papers for publication. It is Dr. Li's recollection that more than one year passed following the conference before the conference Proceedings were published. At the time of the filing of the present patent application, which is not based upon any previously filed foreign patent application and which was prepared under urgent circumstances to perfect the filing within one year of the conference presentation, that

draft was incorporated by reference in the patent application. It is Dr. Li's belief that, at the time of the preparation of the patent application, the conference Proceedings were not yet available.

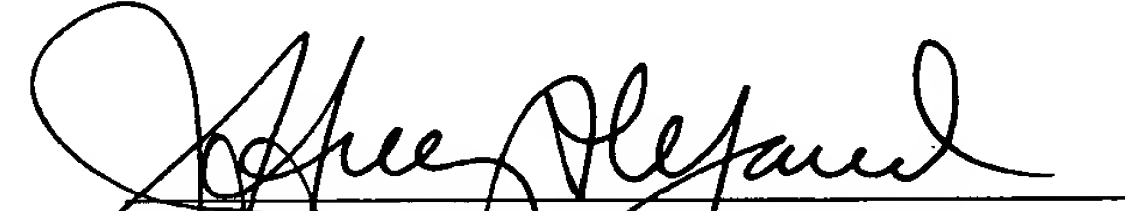
In view of the Examiner's demand for a copy of the paper referred to at page 4 of the patent application, that very paper was supplied, rather than the form of the paper that appeared in the published Proceedings. Dr. Li advises that it is not unusual in academic circles to revise a conference paper for formal publication or to change authorship at the time of the preparation of the formal published document. It is apparent that the basic information in the two forms of the paper is substantially the same. While the foregoing information represents Dr. Li's best recollection as to what occurred, unfortunately, events now inquired into occurred some four or five years ago and correspondence regarding the conference, the paper presented, and the ultimate published form of the paper, are no longer available.

With regard to the other papers appearing in the conference Proceedings and identifying Dr. Li as a co-author, she does not agree with the Examiner that those papers are highly relevant to the invention claimed in the present patent application. The paper co-authored with Junyan Hu reports specific experimental results not related to the digitized functional design of fabrics. The paper regarding heat preservation in a diving suit reports the result of specific modeling of that garment and is not believed by Dr. Li to relate directly to digitized functional design systems for textiles. However, both documents are now before the Examiner for his decision as to relevance and any effect upon the patentability of the pending claims.

As a further courtesy to the Examiner, attached is a four-page list of 58 publications identifying Dr. Li as the author or as a co-author. Any or all of these documents would be made available to the Examiner upon request and an effort is being made to obtain and supply copies of the four publications that have nominal publication dates before the filing date of the present patent application. Three of those four papers have titles suggesting that the content is similar to the paper published in the Proceedings of the Stockholm conference. The list, which does not include the papers from the Stockholm conference, was compiled and supplied by Dr. Li.

As it is believed that the foregoing remarks and the attached Information Disclosure Statement fully respond to the questions raised in the Office Action mailed September 23, 2005, Applicants respectfully request the Examiner resume examination of this patent application on its merits.

Respectfully submitted,

  
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# Ergonomics of Protective Clothing

Proceedings of NOKOBETEF 6 and  
1<sup>st</sup> European Conference on Protective Clothing  
held in Stockholm, Sweden, May 7–10, 2000

*Kalev Kuklane and Ingvar Holmér (eds.)*

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